IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

O R D E R

S.B. CIVIL WRIT PETITION NO. 990/2005
(Bansi Lal Tanwar Vs. The State of Rajasthan & Ors.)

Date of Order : 25/01/2007

PRESENT

HON'BLE MR. JUSTICE H.R.PANWAR

Mr. Kuldeep Mathur for the petitioner.
Mr. S.N.Tiwari, Dy. G.A. for the respondents.

BY THE COURT:-

Heard learned counsel for the parties.

By the instant writ petition under Article 226 of the Constitution of India, the petitioner seeks a direction to the respondents to fix his salary at par with his junior Ganpat Singh w.e.f. 25.1.1992.

The facts and circumstances giving rise to the instant writ petition are that the petitioner was initially appointed on the post of Assistant Teacher in the year 1968 vide order Annex.1 dated 30.10.1968. He was promoted to the post of Lecturer in the year 1984 in the subject of Sanskrit on ad-hoc basis vide order Annex.2. In the year 1995, meeting of the Departmental Promotion Committee was constituted which recommended the case of the petitioner for regular promotion as Teacher Gr.II in

the pay Scale No.15. In pursuance thereof, the promotion granted to the petitioner in the year 1984 was regularised and he was posted as Headmaster at Government Secondary School, Garnia, District Pali vide order Annex.3 dated 21.9.1995. The petitioner came to know that one Ganpat Singh Kumbhawat holding the post of Headmaster, Govt. Secondary School, Mundara, district Pali is drawing higher salary than the petitioner though Ganpat Singh is junior to him as he entered in the service on 10.8.1971 whereas the petitioner joined the services on 8.11.1968. The case of the petitioner was taken up by the department to the various authorities for stepping up the pay of the petitioner at par with that of Ganpat Singh who admittedly is junior to the petitioner vide order Annex.6 dated 16.12.2003 issued by District Education Officer (Secondary) Pali. By order Annex.9 dated 20.1.2004, the Accounts Officer, of the Office of Director, Secondary Education, Rajasthan, Bikaner thought it appropriate to get the matter examined by the Assistant Accounts Officer. The petitioner has filed an additional affidavit stating therein that the matter of the petitioner has been examined by the Assistant Accounts Officer who has submitted his report to the Deputy Director, Secondary Education, Jodhpur vide its letter dated 2.5.2006 Annex.12 and recommended the case of the petitioner to issue appropriate orders for stepping up the pay of the petitioner at par with Ganpat Singh who

admittedly is junior to the petitioner. This shows that even the respondent department also agrees that the person junior to the petitioner namely Ganpat Singh has been paid higher salary than the petitioner and the petitioner is entitled for the stepping up of his pay at par with the junior. In the circumstances therefore, keeping in view the order Annex.6 dated 16.12.2003 and Annex.12 dated 2.5.06, the petitioner deserves a similar treatment to that of Ganpat Singh and thus, the writ petition deserves to be allowed.

In the result, the writ petition is allowed. The respondents are directed to fix the pay of the petitioner at par with that of his junior Ganpat Singh w.e.f. 25.1.1992 and make payment of the consequential benefits arising therefrom. The entire exercise be completed within three month from today. There shall be no order as to costs.

(H.R.PANWAR),J.

rp